[From the Rochester Papers;] REPORT OF THE TRIAL

REV. W. VAN ZANDT FOR SEDUCTION.

CIRCUIT COURT-DECEMBER TERM. PRIDAY, Dec. 30, 21 P. M. S. BEFORE THE HON. NATHAN DAYTON, JUDGE St.

BRIORE THE HON. NATHAN DAYTON, JUDGE S.R. CHRONTON. CIRCUIT.

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The much talked of case of Murdock vs. Van
The much talked of case of Murdock vs. Van The much talked of ease of Murdock vs. Van indt, came off yesterday afternoon before one of a most crowded courts we have ever seen in inchester. There was far less anxiety and exaitent in the case of McLeod in Utica last October. Van Zandt sailboside Judge Gardiser, one of secunsel, during toe evening, and exhibited eat firmness and composure. Miss Murdock is the only witness examined and the court advanced to this morning at halve particular to reret the remarks of coursel and evidence at 18th, would fill several newspapers: we have, 18th, would fill several newspapers we have, 18th, would fill several newspapers of as to omit thing material te a right understanding of the te.

the remarks of courses are as to omit thing material to a right understanding of the to.

INDOE SERDEN opened the case for the prosecutable of Dr. Murdock the plaintiff's eldest daughter, phia, a young lady of sixteen years of age, by defendant, Mr. Van Zandt. He warned the ors to avoid the errors of that extreme class, b, believing religion to be a fable and its profess hypocrites, are prepared to credit a report of guilt of a clerical person, on very weak evidences as also the errors of that other class whose d for religion impairs their impartiality, rent them fearful of danger to the church and anasts of find reasons, no matter how feeble, if they I induce a belief that such charges as the pretagnists a minister of the gospel are false and enable. Neither class weigh discreetly nor ge impartially. On lacking into the annals of courts of law for the present year, it would found that religious teachers are as liable the grosser passions of our nature as others—it and holic Clergyman have been brought forward reged with this offence—and if he remembered rectly the results, they were in every case found lity on the fullest evidence. Clergyman have been frequent and favorable opportunities for this and of indulgence—their avocations bring them sare in contact with the females of their congazions, it being an important part of the passard duty to visit the members of their churches their own dwellings, and hold religious convertions with them. These visits are chiafly to the life of the world. In the case before the ould be found that the reversed defendence pastoral visits to his flock as in the residence of a their hands, and it would be remarkable were not brought into the company of feasible to withstand the addresses of men andant, than others—less practised in of the world. In the case before the ould be found that the reversed defendence of a their hands, and it would be remarkable were not brought into the company of feasible to withstand the addresses of men beach, the false of the remain of the world in

reasins stance has not injured are, sons awaiter against her character was heard in this commission with the probatant Episcopal churchin St Paul street. Its Matrdock and her family were members of its congregation, and the young lady was frequently this house. He affected a great degree fpicty and benevolence professed a wish to be instead to the family—approached Sophia, care used and kissed her—and when, sixmonths after he removed his wife and family to Clinton attent, only ome fifteen feet distant from her mother's door, to made her and her relatives greents of dresses; hey visited almost daily—he instituted to profess hat he felt a deep interest is the welfare of the milly, but continued to takemore indecent liberies with her. One day, it a summer's afternoon I ISBO, defredant, said he was alone in his house, at invited Miss Sophia and ter sister to his study—they went—and while her dister sat reading the firror in an arm chair with her back to them, he arms the resulting so me he habit of wearing, be article of dress well mown as "seduction anti-man," [here he decaded them] said to be article of dress well mown as "seduction anti-man," [here he decaded them] said to be article of dress well mown as "seduction anti-man," [here he decaded them] said to be article of dress well mown as a seduction anti-man," [here he decaded them] said to be article of content to persons of a certain class reaste of character. Sometime after this viz: boat the lifth of October, 1840, one afternoon, set after dimner, Miss Sophia prepared herself to them a young ladies' sewing sociaty meeting, and ser mother requested her to be over and get a cermin book from the revered gestloman's study, which allows. She etates that see was then and there dimner, will be found in Miss Mardele's testimony, which allows. She etates that see was then and there dimner, and the discount of the produced in a past of the society, and though on the heart of the series of the society, and though on the heart of the series of the series of the series

NEW YORK, WEDNESDAY MORNING, JANUARY 5.

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no know ledge of defendant ever having called to seeher since then.

Cross Examined—Did not see Mr. Van Zardt at the house, but saw him coming towards the house. This was about a week after she had communicated to her mother her studien; he staid about five minutes; she did not see him go away, but her mother came out of the room; her mother told her that she did not sit down, and that she had refused to shake hands with him when he offered her his hand. Her mother said that defendant denied having any connexion with her; she had in her examination in chief, stated all the instances in which there had been any connexion with defendant. At the time that he resided in Clinton street, when he first Rissed her, she did not go for books; the members of the congregation went for books, but this library was not established, she thinks, at that time; she went often; it depended upon the size of the volume; the books generally were of a religious character. Her parents house fronted on St. Paul street, as did defendant's; the stoop spoken of was in front of her father's house; was about two steps descending; their house stood a good ways back from the street; the evenings that she mentioned were light; there was no one with her but her sister; her mother was somewhere in the house; she might have been at the frem window for all she knew; defendant had been in conversation with her mother those evening; he calified them to the door to see the sky; remembers one evening of him directing them to the observation of the northern lights. Her mother was in the room and she went out to the stoop; the stoop was in full view of St. Paul street; persons on the stoop could not be seen by those in the house on the other side; no houses there; does not remember exactly what she did when he attempted to raise her dress the first time; she believes she requested him to let her alone; she did not spear tout, but the family; she remembers the insult but not the time; did not mention this occurrence to any body; does not remember what he her; she does not remember what she said, but thinks it was the same as she said before; does not remember what it was she said; cannot speak of the time of year, but it was the summer; the occurrence was so strange that any one should do such things that she remembers it; it was not on a Sunday, evening; it was an evening in the week; she would not be on the front stoop on Sunday evening; knows not whether it was before or after the fourth of July; thinks it was after; it was after; for she remembers that on the evening of the 4th of July there were fireworks in Mr. Van Zandt's yard, and she was invited; it was after this for defendant's niece was not there, and does not know how long after; her aunt came in September, and it was before also came; cannot remember the month not the dayof the month she went to his study; it was in the summer; can not fix the time more particularly. She wen, home afterwards; her sister went with her; it was perhaps about the middle of the afternoon when he invited them; her sister went first, she about five minutes afterwards. When she went into the study she sat on the bedside; sat ou the top of the bed; cannot remember but thinks she asked defendant to show her some sum in algebra; he was standing with her sister facing the bookease when she addressed him. The bed stood on the right hand as she entered the door; the library was on the left; she asked bim if he could show her a sum in algebra; had the book and slate and penoit; she had been trying to doe sum before but could not do it,

Cross Examined-Did not see Mr. Van Zandt at

shed that Thaddeus and ber brother built for her house, when he took those liberties with her, it was at her own house, and before he went away; did not see him for a fortnight before he went away to speak with him; she might have spoken to him; came there to see her brothersbefore he went away; she remembers having spoken with him but does not remember what subject; before he came to the house he came to see my brother; went to music recitations with him; sat in a pew with him twice; one of the doors of the study spened into the nursery; the children were there she supposes, and the defendant's mother for some time; it was a week or ten days before the committee met before whom she was examined that she discovered her situation; a physician had called to see her mother and her; thinks it was after Christmas; did not state before the clergyman that she tried to go out and could not get out when with her sister, but the second time she told that the door was fastened by having a piece of wood over the latch; she could not open the door, and he opened it for her; it was a small brass latch; did not see him pick up the piece of wood; thinks it was fastened by a string to the door; she him go to the door; when she went from Mr. Van Zandt's room to the study, she did not shut the door herself; found the book on the parlor table; dees not remember whether she took the book home or not; he looked in the library first, then came down to the parlor, and he afterwards invited me to; never spoke to her brother nor any other person about the libraries defendant had taken with her; the scene in the parlor occurred in the evening; the room was not lighted; does not remember whether,

committee; thought of it afterwards, and told it to Judge Seiden.

Direct Examination Resumed—Remembers being in defendant's study, with himself and Miss Gilkinson; it was on one of their Thursday evening levees. She asked me to go in with her and get a book; thinks defendant was there before they went in; there had been other ladies there, who came out as they entered. When they went in, she asked Mr. Van Zandt for a book; he had promised her one of Scott's novels; she went with him to the library, and as she had on a silk dress, witness heard it rattling, and some expressions that she said to herself; she heard her say, "Let me alone"; heard no sound of kissing; believes that he kissed her and witness after he came out. On the oesion that she was in Thaddeus' room, it was in coasequence of receiving an invitation to write a letter, which she did. He staid in the room with his cousin, but somebody coming in, she went out, and left Thaddeus and witness alone. The young lady returned shortly after, and excused herself, saying that she made an agreement to go out with a gentleman. She was absent but a few moments. Dr. Toby was the physician that attended her.

Cross Examination.—The young lady told her before defendant, that he had promised her one of

theman. She was absent but a few moments. Dr. Toby was the physician that attended her. Cross Examination.—The young lady told her before defendant, that he had promised her one of Scott's novels; did not remain long after she was kissed; the rest of the ladies had heen there, but had gone away. It was about the middle of the evening. They generally went up stairs when they chose, took what books they wanted, and put them away. Recollects it was about the middle of the visit. She had taken a book; told the story to Judge Selden when she told the other part of it. Does not recollect whether the ladies carried about the books with them or just, about the rooms; doe not know as she ever saw an instance where ladies went about with their books; recollects hearing the silk rattle; does not recollect if she heard it only in that room; spoke to the young lady about it; did not speak to her mother or brother about it.

it; did not speak to her mother or brother about it.

SATURDAY, Dec. 21, 34 A. M.

ISAAC R. ELWOOD—Witness was requested to serve a subpoens on Thaddeus Van Zandt—by Mr. Selden for the presecution—on the 13th inst; went to New York, and made an ineffectual attempt to serve the subpoens, on the 13th, but his father said he had gone to China, to be absent for three years. Anset Roberts, examined by Mr. Silbey Witness is a member of the vestry of Grace Church—was present at a meeting called by Mr. Van Zand; last July in the vestry room, for the purpose of exculpating himself from the charge made against him by Mr. Murdock. He made a written statement, and we had considerable conversation with

went up ten minutes after; Mary came out, and he found Thaddeus within. He said he thought an improper futimecy had subsisted between his nephew and Sophia, whom he described as a modeat, unassuming zirl. [Some part of witness's description of Mr. Van Zandt's language, is too indelicate for the press.] Mr. Van Zandt drank gin and sugarat (I think witness said) three or four different paces; it did not in the least affect his conversation. The vestry took some steps at the meeting I was at, to lay the matter before the Bishop. [Nothing important appeared to be elicke! by Mr. Sibley's very able cross examination. The above three members of the vestry of Grace Church gave the testimony with much cleaves, precision, and decorum; and apparently made a deep impression on the large and respectable audience, whose orderly and sedate behavior was never surpassed at any court of justice at which this reporter has been present, either in Europe or America.

Many Murbock, sworn. [Examined by Judge Shelden.]—Witness is the sister of Sephia Murdock—Rev. Mr. V. Z. had taken liberties with the person of this witness. [There was a strong effort made by the counsel for the defence to induce the court to prevent Miss M. from stating any improper conduct of Mr. Van. Zandt toward her, though they did not specially object to it; to this it was replied that Mr. Van Zandt, by his assertion, as to his uniform careful conduct towards females of his congregation, by his admitted intimacy with the Murdock family, by his attack on the character of witness before his vestry, and by his situation as a christian minister, had given ample occasion for the question objected to.] Miss M's. examination continued. The first time Mr. V. Z. took liberties with witness was in the vestry room of St. Paul's church, when he put his hands under my clothes—he did this once or twice—he said "Molly, you must not do so any more." I replied, "I would not have done so had it not been for you." Recollects being in Mr. Van Zandt's study when her sister was the r

Sent Cross questioned by Mr. Sibley.—Witness did not tell either her mother or her sister that Mr. Van Zandt had put his hand under her clothes; no one else had ever done so to her before; it was in the vestry room, next to the Sunday School, that he put his hands into her bosom; they were trimming the church; it was about two years ago; she told Miss Emily Berrs, but not her mother. [Miss Mrry is intelligent—were a dark wrinted cotton dress. the church; it was about two years ago; she told Miss Emily Be-re, but not her mother. [Miss Mery is intelligent—wore a dark printed cotten dress, white merino shawl, with a straw bonnet, beautifully trimmed with green silk velvet, and veil—her answers were prompt, to the purpose, and were to be heard. Mr. Van Zandt sat beside his counsel, grave and sedate, gave few if any hints to the lawyers, but looked a little carewore. He is a tail, stout made man, middle aged, with brown hair, large and black whiskers, extending under his chin—is rather good looking, and as if good natured. The next witness aworn was Herry M. Wand. The use in Mr. Van Zandt's study some months ago; on the door leading from the study to the hall, a night lock had been taken off, which witness produced; it opened on the outside by a key only, and on the inside by a latch; a small bit of wood placed above the latch would prevent it being opened on the outside by a key. I think a knob with a sunk lock is in the place of the brass night lock used formerly.

Priday Afternoon.

FRIDAY AFTERNOON, ?

FRIDAT AFTERNOON, 2 O'clock.

[The crowd in the half was so great that the defendant, witnesses, jurors, and the people, were prevented from getting into the court room for at least 15 minutes; every body kept in good humor, and as many as possibly could find room, were admitted ]

JAMES K LAVINGERON, President of the Hank of Mouroe sworn—Had been acquainted with Dr. Murdeck for 25 to 28 years. [It was the wish of the counsel for the presecution to examine this witness, as to the character of the prosecutor and his

family, but the counsel for the defence objected, admitting the great respectability of Mr. and Mrs. Murdock, and of their connextons, as stated by Mr. Selden in his opening. Mr. Livingston's testimony was not taken.]

a year ago, stated to this witness, that in any event he thought he would be worth twenty thousand dollars.

dollars.

Cross-examined—He said, at the same time, that his property in New York was mortgaged for several, he thought, six thousand; said what his store in New York was encumbered for, and what it was worth; he had been offered considerably over \$20,000 for it, but it would not fetch so much now, but would leave him nett \$15,000; he had property in Rhode Island.

G. W. Pharr had seen a child at Sophia Murdock's, supposed to be hers; it has a light complexion.

Mr. Sinley objected to the description of the infant. He had never before seen or heard testimony of this kind proposed, perhaps we may have some phrenological bumps.

Mr. Sklder desired to prove that, in a very strong and striking degree, the child resembles Mr. Van Zandt; and if it be an established fact that children usually resemble their parents, the testimony of Mr. Pratt is pertinent. For example if its skin were black.

Judge Dayron.—That would; show it to belong to a different race.

Mr. Sklank went into a disquisition at some

JUDGE DAYFON.—That would show it to belong to a different race.

Mr. Selder went into a disquisition at some length, to show that it has always been held that the strong resemblance of a child to a supposed parent is a strong proof of paternity. [We had here an accession of a dozen of well dressed ladies.]

Mr. Sibley said therenever was and never could be such a case quoted in the books. If a resemblance exists at all, it must be to both parents, and not to either—but the best evidence would be the production of the child in court. How could this sort of testimony be sent up to the Supreme Court?

The Court thought that various persons on seeing a child would have various opinions—and unless an authority was shown in the books, he would not permit the question. It would bring into court perhaps half the physicians in town.

Mr. Selder said I am prepared to prove that Mr. Van Zandt has a finger crooked, and so as to be a deformity, that at least one of his acknowledged children has the same finger crooked—and that this child of Miss Murdock's has the same finger crooked.

Mr. Sibler valid, and by this rule, if Mr. Van

finger crooked.
Mr. Sibley said, and by this rule, if Mr. Van Zand:'s other children have not this crooked finger

Zandt's other children have not this crooked anger they are not his!

[Gen. Matthews, Nath. Rochester, and E. D. Smith were brought forward to ascertain from them whether the paper read by Mr. Van Zaudt to his vestry is the same as is now read, purporting to be a copy of that document.]

E. D. Smith said, the paper in court corresponds substantially with the paper I received from Mr. N. Rochester—it is not the same paper. I thought, when Mr. Roberts itestified, that the expression he mentioned, or the substance of it, was in the

when Mr. Roberts itestified, that the expression he mentioned, or the substance of it, was in the paper I read. [It is not in the copy in court]

Mrs. Baldwin sworn.—[Brought a young child with her]—Was present at the birth of Sophia Murdock's child; should think it was full grown; it weighed 8½ pounds; witness is a nurse; it had a very strong voice; the child is the one with witness; it was born on the 4th of August last. [Here the boy began to squall in a strong key, and after one question by Mr. Sibley, it was carried out of court.]

one question by Mr. Sibley, it was carried out of court.]
Mrs. Stevens was present at Mr. Van Zandt's room, Spring street House, when Mrs. James S. Gregory was there, in the latter part of last July; Mr and Mrs. V. Z. Mrs. G. and self were present; the servant came and said a gentleman wished to speak with Mr. Van Zandt, who left the room, and is fifteen or twenty minutes came back and said that good news had come—that Mr. Stringer said, that Mr. Williams said, that he could produce two gentlemen who would come forward if called on, and testify that they had connexion with Sophiathemselves.

Miss Elizabeth Atkinson sworn—[Mr. Sel-

on, and testify that they had connexion with Sophiathemselves.

Miss Elizabeth Atkinson sworn — [Mr. Selden stated that he proposed to prove by her that Mr. Van Zandt had taken such liberties with her, that it caused her to avoid the congregation.]

Miss Gilkerson, (a handsome, modest young lady.) was one evening at Mr. Van Zandt's levee; went up to his study to get some books; witness and Sophia, and other ladies went up; they left; Miss G and Sophia remained; Mr. Van Zandt kissed witness, who told him to let her alone; he also kissed Sophia; this was in '41; thinks it was in the fall; since this matter became public, Mr. Van Zandt has called at our house, and said it was not necessary she should come forward as a witness, and asked if she saw him kiss Sophia; witness said she did.

[The reporter was absent fifteer minutes, and on

[The reporter was absent fifteen minutes, and on his return found Mr. F. M. Haight addressing the jury for the defence, the case for the prosecution having closed.]
Mr. Haight, said, that he

jury for the defence, the case for the prosecution having closed.]

Mr. Haight, said, that he who truly believes in the doctrines of Christianity, is thereby made a better man—be trusted that the character of his client would not be injured by the fact that he is a minister of the Gospel—and that the tittle-tattle of this community would not be suffered to interfere with the verdict—in the outset they had been told of the fashion even of defendant's garments, but of that there had been no manner of proof—and much testimony offered has been reject—d by the Court as improper and irrelevant—He bade the jury remember that the facts charged against the defendant, except in one case, had no time stated, even the month they happened in could not be told. We expect to show an intimacy between the principal witness [Miss Sophia] and a young person, from which this pregnancy may have arisen—we shall show that on one occasen they were in the privy together for some time—on another that they were in the wood-shed together—we cannot prove a direct connection—we will show that on Friday the sixteenth of October the day attacted by the lady, no such connexion could have kappened, as she states—and this by unimpeachable testimony—a brother clergyman, then a settled minister in a neghboring county He came here on the 16th in the morning, and remained with Mr. Van Zandt till dinner time, dined with him, then went to his study, and parted with him at the door of Mrs. Sherman. On that day, too, a young gentleman dinned with them and then went up to his study, where he remained till the two clergymen came up, when he went away. They would thus show that in the only case in which a time had been given by the prosecutor's character, so the character of the defendant would be held to have been upright, untamished and free from blame up to the time when this false charge was made, from which he expected that the jury would give him a speedy deliverance. We only offer a brief ontline of Mr. Haigh's opening, so lar as we heard it His sty

Miss Paarr, called at this time for the prose Miss Paatt, called at this time for the prosecution, (by previous agreement,) one evening with meas's mether had been passing the evening with Mrs. Murdock, she thought she would take a walk down to Mr. Murdock's, and returs with her mother. She saw one of the young ladies (Sophin) on the steps, and a person with a segar in his mouts, who passed through a gap in the fence, but returned and spoke to witness, and then went away. This was Mr. V. Z. Witness did not recollect that he wore a particular kind of pantaloons. Had seen him wearing pantaloons opening in front. [Mr. Sibley asked her if such pantaloons were commenly wore; she said they were. A number of ladies who had attended on subponas to to testify as to Mr. V. Z's indecent conduct, returned home, the court having determined that evidence of his misconduct in cases beyond the circle of the family of the prosecutor, and unconnected with that of Sophia Murdock, is inadmissible]

TESTIMONY FOR THE DEFERCE.

TEATIMONY FOR THE DEFENCE.

REV. THOMAS S. BRITTAN SWOTH—Examined by Mr. SIRLEY.—Calledon Mr. Van Zaudt on the 10th of October, 1840; went over to Coburg; returned on the 16th of that moath, by the care from Carthage at half past ten o'clock. I remained with him till the Saturday following, and supplied his place in the pulpit on the Sunday succeeding the 16th; he left home on Saturday to preach in Batavia for Dr. —; I found Mr. Van Zandt at home on my return from Canada; we took a walk in the city and returned for dinner; we sat sometime in his study; dinner was not ready, for which Mrs. V. expressed her regret; I remained with him to dinner, and Mrs. V. excused herself from not remaining longer, saying she was going to a sewing party, and considerably behind her time—two o'clock. She did not return After dinner we sat about half an hour, and then as cended into the study—the front room up stairs—a large room. We remained together (he and I) till about 4 o'clock; he then took out his watch and begged to be excused as he had a party to attend at which he was expected to be present; he asked me to accompany him; I did so as far as the door, and there we parted. It was a house three or four

doors nerth of St. Pani's Unuich, where Mr. Van Zandt officiated. I then went into Main st, and then to the road epposite the North American Hotel, and thence directly to Mr. V Z's house and entemed his study, which I always found on the latch, and remained till he came home. That day dined with me, Mr. and Mrs. Van Zandt's mother, and remained till he came home. That day dined with me, Mr. and Mrs. Van Zandt, his mother, Thaddeus and James DeWolf. In the morning of that day [Friday] I found James DeWolf at Mr. Van Zandt's—he had come there during my absence at Coburg. At dinner, De Wolf and Thaddeus rose from table as soon as Mr. Van Zandt, and when I went into the study I found Mr, DeWolf preparing to leave it.

On the following Sunday after I preached here, I preached my first sermon at Palmyra, where I was afterwards settled. Mr. Van Zandt was not, to the best of my belief out of my presence from the time we took a walk on Friday morning till we parted at Mrs. Sherman's door; but I will not swear to that; I am positive it was about half past two when we were that day summoned to dinner; when I returned from accompanying Mr. Van Zandt mother and his children; there was a procession of the Firemen with their engines passing, and I sat with the children at the window that they might see it; as to the day of the month, I have no doubt; it was the 16th; I am sure, I am not mistaken. Do you wish me to assign the cause? Mr. Sibley replied "I do not, sir." Witness continued. Thaddeus Van Zandt, was a tall young man, not very stout, about 18 years of age, and to me he had the appenrance of a worn out rake.

Cross examined by Mr. S. L. Seldon.—A paper was handed to witness and he was asked if that was his declaration made to—

Cross examined by Mr. S. L. Seldon.—A paper was handed to witness and he was asked if that was his declaration made to—

I came by the steamer Gore, and arrived at the landing and immediately took the cars for Rochester on the 16th. On the following Monday I took breakfast, and then took a stroll to see the town—into Main street, down to where the Batavia cars usually land, and then directly back the same way. I then returned to the study and read till dinner time. Mrs. Van Zandt, sen. told me she was afraid Thaddeus would corrupt De. Woll's morals. On that day, De Woll, Thaddeus, Mrs. Van Zandt; senior and junior, and the children were at dinner.

Mr. Sinley—We will now take Tuesday.

Wirnsyss—I appeal—I cannot really recollect. On the Friday I either dined with him or Mr. Coles that day. I cannot charge my memory as to what else I did. It was not till ten months afterwards, viz: in August, 1841, that my attention was called to the events of the 16th of August. 1840. I am sure that Mr. Vanzandt did not leave his study after sur walk till dinner—we had wine at dinner on that day, and on the other day, the 16th of Oct. and on no other days. One day, a domestic, a femile, came to the dining room door, and was told that a young lady wanted to speak to him—Mrs. V. was leaving the dining-room at the moment—he was absent 10 or 15 minutes or more—I stopt at the table with his mother that evening till he came back. I caunot tell a hat day this occurred, but it was one day that week. His mother that evening till he came back. I caunot tell a hat day this occurred, but it was one day that week. His mother that day he went into the study after dinner—no one was there. One day, the 16th, Mrs. V. set a part of a bottle of madeira on the table, at Mr. V.'s request—this was before she went to Mrs. Sherman's. I cannot postively swear that the young lady did not call for the books on the 16th, but believe not. I related this matter to Mr. Hill—and on another eccasion to Mr. E. Jackson—I think I said nothing about the young lady

Befere Judge Ulshoeffer.

JAN. 4.—Thomas Coles vs. W. D. Coolidge —This was an action for slander, the damages laid at \$1,000.

S1,000.

DAVID GRAHAM, Esq. in opening the case, stated that the plaintiff was a respectable show dealer in the city of New York, and had transactions with the defendant, a show merchant residing at Boston. Mr. Coles had been unfortunate in business. Mr. Coolidge gave out that he was a rogue, a cheat, and a swindler, and he could send him to the State Prison. Mr. Coles had been injured by the remarks, and now sought reparation.

Mr. Peter V. Tilvou sworm—Kent in his face

Mr. Peter V. Tilyou sworn—Kept in his fathar's store, that of Mr. John D. Tilyou, in Chatham street; some time in January, 1840, Mr. Coolidge and Mr. Coles were in our store; considerable conversation took place between them; Mr. Coles was calm, but Mr. Coolidge a little argry; the latter said, in allusion to some business between them, that it was a swindling transaction—that Mr. Coles was a swindler, and had swindled him out of his goods, and he was able to prove it, and could send him to the State Prison.

Mr. Lous Gayroon was then called—Kept in Mr.

Mr. John Garnon was then called—Kept in Mr. Tilyou's store, and heard the conversation alluded to by the last witness.

Mr. Graham, in further proof of Mr. Coolidge's position in regard to Mr. Coles, read the following letter:—

letter.—

Mr. Thos. Coles—

Sra—

Yours of the 8th inst. is received, but too late to prevent patting my friends in Mew York to more additional trouble on my account. You say if I have any proposition to make, to do it definitely, and you will answer.

I wrote you in my last that, with you, I skould have no negotiations. I have no proposition to make to you. If Mr. Tilyou will undertake to negotiate between us, with him I will confer. I consider him a gentleman, and am willing to try to bring the first matter in dispute to an amicable arrangement. With regard to the latter, the next you hear may be "The State of New York versus Coles & Howe," or else a requisition from this State, for obtaining goods under false pretences. I am not to be fooled with much longer.

Yours, &c.

Boston, Feb. 12, 1840.

Mr. N. R. Bernste, for defendant, then moved a

Mr N B BLUNT, for defendant, then moved a nonsuit, on the ground that the words complained of were spoken to the defendant himself, and not to third parties, and the letter had been written to the defendant personally. He contended that no slander, in consequence, had been proved. The Court, however, overruled the objection, saying that sufficient had been proved to go to the Jury.

court, however, overraised the objection, saying that sufficient had been proved to go to the Jury.

Mr. Bluxt then opened for the defence, and contended that in producing the letter, the counsel for plaintiff had brought himself within the rules.—
He had presented charges other than those sontained in the declaration, which gave the defence an opportunity of going into justification.

This was denied by Mr. Grahlam, who remarked that the letter was merely in proof of the declaration, and that the counsel must confine his evidence to the specific charge.

The Court observed that the letter contained charges of felony, averring that the plaintiff was liable to a criminal action, and had been guilty of obtaining goods under false pretences. So far the coursel was at liberty to bring justifying proof, but not beyond that point.

Messrs. Tilvou and Gayson were again placed upon the stand, but nothing additional was elicited.

Samuel Howe sworn.—Was one of the firm—

Green; stopped payment in June or July, 1837; Mr. Coles then took store No. 142 Chatham street, and we removed to it; we owed Mr. Coolidge between 8800 and \$1.00 for hoots and shoes; the last we received from him was the day before or the same day that we stopped payment; the bill amounted to \$300 or \$400; on the previous Saturday witness gave the order personally, on board the steamboat, to Mr. Coolidge, as the latter was starting for Boston, and requested that the boots and shoes should be sent on by Wednesday, as we were desirous of making up an order for the acult; the failure was unexpected; we had goed and paper enough on hand to pay our debts, with \$20,000 surplus. Mr. Coolidge came on again just as we had shipped his bill of shoes, or were about to ship them; cannot say which. I told Mr. Coolidge that the were desirous of filling the southers order—that if he would leave them with us he should lose nothing—that if we were compelied to make an assignment, his debt should be a preferred one. We did assign, Mr. Tilyou (which gentleman, Mr. Coles and myself are brothers-in-law) being one of the assignees, but fat first refused to sign it, as private debts of Mr. Coles were placed in it, while debts of the firm, that ought to have been, were not so. We fowed, when we stopped, between \$30,000 and \$90,000; the debtiglof Mr. Coolidge was not placed among those of preferred creditors; the preferred debts amounted to between \$10,000 and \$12,000, the whole of which have not yet been paid; actions were afterwards instituted by seme of the creditors against the firm and against the assignces, one of which is now in Chancery.

The Court charged that the avidence neither justified in law the expressions, or the charges contained in the letter. The pinietiff was, therefore, entitled to damages.

A scaled verdict will be brought in this forcement.